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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 006756

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NSC STAFF FOR WATERS

E.O. 12958: DECL: 11/07/2016  
TAGS: [PGOV](#) [PHUM](#) [SOCI](#) [KIRF](#) [EG](#)  
SUBJECT: BAHAI CITIZENSHIP RIGHTS: ATTENTION FOCUSED ON  
NOVEMBER 20 APPEAL HEARING

REF: A. CAIRO 2934  
[1](#)B. CAIRO 2201

Classified by DCM Stuart Jones for reasons 1.4 (b) and (d).

[1](#)1. (SBU) Summary: A November 20 judicial hearing will be the next episode in the long struggle of Egypt's Baha'is for citizenship rights. Any decision that results from the upcoming hearing will have ramifications for human rights and religious freedom in Egypt, but our contacts suggest that the case, which has been postponed several times already, may be postponed again. End summary.

[1](#)2. (SBU) Egypt's small community of Baha'is, and advocates of religious freedom generally, hope that a November 20 hearing by the Supreme Administrative Court (SAC) will result in affirmation of a April 4 lower court decision (ref B) that ordered the GOE to allow Baha'is to list their religion on their national identity cards. On May 15 (ref A), the Appeals Inspection Chamber of the SAC ruled on procedural grounds, in response to an appeal by the Ministry of Interior, that the SAC must review the April 4 decision. The initial SAC hearing on the issue, originally scheduled for June 19, has been several times postponed, apparently while the Court awaited the release of the SAC's Commissioner's Advisory Report. The SAC hearing is now scheduled for November 20. While religious freedom advocates hope for a favorable ruling on November 20, both a leading Baha'i activist and the Baha'is' lawyer tell us they expect another postponement.

[1](#)3. (SBU) The GOE's computerization of identity cards--which began in the mid 1990s and included the requirement that all citizens list one of three "heavenly" faiths (Jew, Christian, or Muslim) on new national identity cards--created significant problems for Egypt's small community of Baha'is. As followers of a faith that originated in a schism within Shi'i Islam in 19th century Iran, Baha'is are seen as apostates by many orthodox Muslims. Leaders of Cairo's Baha'i community estimate that there are approximately 2000 Baha'is in Egypt, though they note that limits on the Bahai's' ability to meet and organize, due to the GOE's formal dis-establishment of the faith in 1960, makes it impossible to assess their numbers with greater accuracy.

[1](#)4. (SBU) Prior to the computerization of Egyptian national identity cards, Egyptian Baha'is, relying on the sympathies and/or petty corruption of clerks issuing the handwritten identity cards, managed to obtain cards listing their faith or another acceptable designation. ("Other," or "---," are the two most common formulations.) The GOE has thus far been unwilling to issue Baha'is with identity cards that list their faith or another acceptable term. Without the new cards, Egypt's Baha'is are unable to register births and deaths, to enroll children in school, to open bank accounts,

to obtain driving licenses, legally marry, and various other acts regulated by the GOE bureaucracy.

15. (SBU) In the months since the April decision in favor of the Baha'is, Egypt has witnessed several debates in the media about the legitimacy of the Baha'i faith and whether Baha'is should receive identity cards listing their faith. Senior Islamic scholars from Al-Azhar have also weighed in with familiar claims that Baha'is are apostates. Baha'is and their supporters have noted that they are not seeking formal Al-Azhar recognition of the Baha'i faith, but rather merely their citizenship rights under the Egyptian constitution. The SAC's Commissioner's Advisory Report, which was released in October, repeated long-standing GOE arguments that Baha'is in Egypt are not recognized as members of a "divine religion" and therefore are not guaranteed freedom of belief under the Egyptian constitution. Although the judges on the SAC are not bound by the recommendations of the Commissioner's Advisory Report, some of our Baha'i contacts worry that the release of the report suggests that the GOE is determined to un-do the favorable April 4 court decision. Also, the fact that the powerful Ministry of Interior acted to appeal the decision favoring the Baha'is suggests that the Mubarak government is not sympathetic to their case.

16. (C) Post maintains regular and close contacts with leaders of Egypt's small Baha'i community, as well as with Hossam Bahgat, a human rights lawyer who is litigating their case. The Ambassador has repeatedly urged the GOE to craft a fair and just solution to the Baha'is' problems, most recently in a May meeting with EGIS director Soliman (ref A). In October, emboff and visiting DRL/IRF officer met with key Baha'i leaders in Cairo, discussed the Baha'is' situation with Egypt's quasi-governmental National Council for Human

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Rights (NCHR), and pressed the MFA's Director for Human Rights, Ehab Gamal El-Din. The NCHR in particular has been an advocate for Baha'i rights. During a November 5 meeting with visiting NEA desk officer in Cairo, Baha'i leader Dr. Labib Iskandar Hanna (protect) noted his appreciation for sustained USG engagement on this issue both in Washington and in Cairo.  
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